

UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
Charlotte Division
Case No. 3:05 CV 391-MU

In re:

JOSEPH A. DIBRUNO, SR.

Debtor

Bankruptcy No. 05-33007
(Chapter 7)

In re:

**NICHOLAS DIBRUNO and WENDY
DIBRUNO**

Debtors

Bankruptcy No. 05-33005
(Chapter 7)

In re:

JOSEPH A. DIBRUNO, JR.

Debtor

Bankruptcy No. 05-33006
(Chapter 7)

Jointly Administered

**LANGDON M. COOPER, Trustee
In Bankruptcy for Joseph A. DiBruno,
Sr., Nicholas DiBruno and Wendy
DiBruno, and Joseph A. DiBruno, Jr.**

Movant,

vs.

**JOSEPH A. DIBRUNO, JR. and
JOSEPH A. DIBRUNO, SR.**

Debtors and Respondents

INTERIM ORDER DIRECTING DEFENDANTS TO PRODUCE DOCUMENTS PRIOR TO HEARING

THIS MATTER came on for hearing in open court at a previously scheduled hearing, upon motion of the Trustee for an Order in aid of discovery, and it appears to the Court:

1. On 13 October 2005 the Trustee filed a Motion for Turnover and Compliance with Sections 521 and 542 of the Code (the "Motion") (docket no. 40) and a Notice of Hearing thereon (docket no. 41). The hearing on the Trustee's Motion is scheduled for Monday, 21 November 2005 at 10:00 a.m. before this Court.

2. The central relief the Trustee seeks in the Motion is the recovery of \$255,000 in cash which the Trustee alleges was in the weeks before and after they filed their voluntary bankruptcy petitions in July of this year, and likely remains, under the legal dominion, control and possession of the Respondents, Joseph A. DiBruno Sr. and Joseph A. DiBruno, Jr.

3. The Trustee alleges that he needs an immediate, full and detailed accounting of the source, any disbursement and present location of this cash, including true copies of all relevant documentation and copies of all statements, checks, and advices of debits and credits for the involved bank accounts.

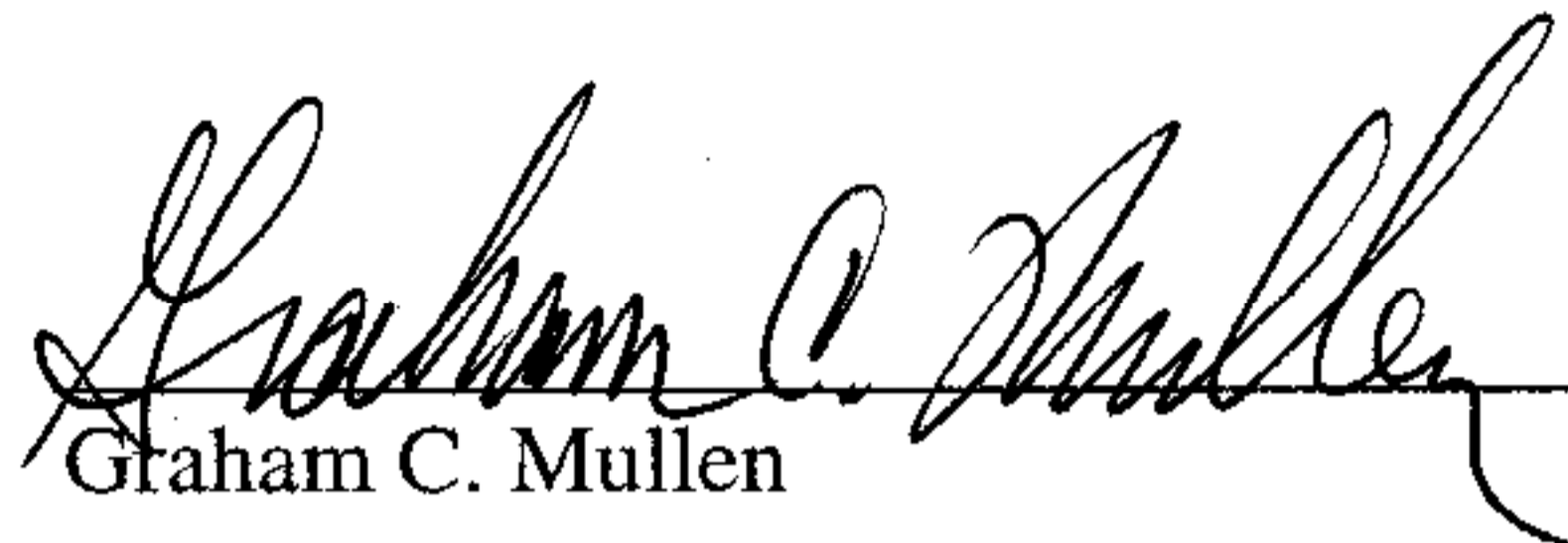
4. The Court concludes that the Trustee's request is legitimate, in good faith and in the best interest of these estates and their creditors.

IT IS, THEREFORE, ORDERED:

A. The Respondents, Joseph A. DiBruno, Sr. and Joseph A. DiBruno, Jr., shall no later than Wednesday, 9 November 2005, deliver to the offices of the Trustee and his co-counsel, at the addresses set forth in the record of this case, a full, complete, and detailed accounting of the source, any disbursements and present location of the cash described in the Trustee's Motion for Turnover and Compliance with Sections 521 and 542 of the Code (the "Motion") (docket no. 40). As an integral part of this accounting the Respondents shall at the same time deliver to the offices of the Trustee and his co-counsel true copies of all documentation concerning this accounting, including copies of all relevant documents of any kind, all statements for the last 12 months for all accounts from which or into which the \$255,000, or any portion thereof, was deposited, and all checks and other advices of credits and debits in those accounts. The accounting shall be organized to enable the Trustee to trace fully the origin and intermediate transfers and current location of this cash. In this regard the Respondents are directed to freeze and otherwise protect the funds pending further order of this Court.

B. Should the Respondents fail to provide this accounting in a proper and timely manner, and otherwise to comply with the terms of this Order, this Court will additionally consider at the hearing on the Trustee's Motion on 21 November 2005 whether the Respondents and any party acting in concert with them shall be held to be in contempt of this Court, and subject to the full contempt power of this Court, including imprisonment.

This the 17th day of October, 2005.



Graham C. Mullen
Chief United States District Judge